

HOUSE BILL 430
By Bunch

AN ACT to amend Tennessee Code Annotated, Section 39-14-105, relative to the punishment for certain theft offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-14-105, is amended by designating the existing language as subsection (a) and by adding the following as a new subsection (b):

(b)

(1) Notwithstanding the provisions of subsection (a) to the contrary, a person convicted of a violation of §§ 39-14-103 or 39-14-104 where the value of the property or service obtained is five hundred dollars (\$500) or less shall be required to serve the entire eleven (11) month and twenty-nine (29) day sentence for a class A misdemeanor if such person has two (2) or more prior convictions for a violation of such sections.

(2) Notwithstanding the provisions of subsection (a) to the contrary, a person convicted of a violation of §§ 39-14-103 or 39-14-104 where the value of the property or service obtained is more than five hundred dollars (\$500) shall be

required to fully serve a minimum sentence of one (1) year if such person has two (2) or more prior convictions for a violation of such sections.

(3) For purposes of subsection (b)(1) and (b)(2), the value of the property or service obtained during the prior convictions is irrelevant provided such person was convicted of a violation of §§ 39-14-103 or 39-14-104.

(4) Notwithstanding any other provision of law to the contrary, no person sentenced under this subsection shall be released on probation, diversion, parole, work release or any other program authorizing release into the community until the person has served day for day the entire minimum sentence required to be served under either subdivision (b)(1) or (b)(2).

(5) Nothing in the provisions of title 41, chapter 1, part 5 shall give either the governor or the board of probation and parole the authority to release or cause the release of a defendant sentenced under subsection (b)(1) or (b)(2) prior to service of the entire minimum sentence required by this subsection.

(6) Nothing in this subsection shall be construed as prohibiting the judge from sentencing a defendant to whom subsection (b)(2) is applicable to any authorized term of incarceration in excess of the minimum sentence for the defendant's appropriate range of sentence.

SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.